

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 Stanley Keith Miyabara,

5 Plaintiff,

6 v.

7 Maylene Sutera, *et al.*,

8 Defendants.
9
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Case No. 2:22-cv-02180-CDS-BNW

ORDER re ECF Nos. 8, 9

11 Before the Court is Plaintiff's Motion for Assistance. ECF No. 9. The Court previously
12 screened Plaintiff's complaint and explained that Plaintiff had not stated a claim for relief. ECF
13 No. 7. In addition, the Court provided Plaintiff with a March 24, 2023 deadline by which to
14 amend the complaint. Because Plaintiff did not file an amended complaint by the deadline, the
15 Court assumed Plaintiff had abandoned his claim and recommended that the case be dismissed
16 without prejudice. ECF No. 8.


17 It is now clear that Plaintiff has not abandoned his claim, as he has filed the Motion for
18 Assistance. ECF No. 9. The motion is not easy to understand. However, it will be granted to the
19 extent that the Court will vacate its Report and Recommendation to dismiss the case (at ECF No.
20 8) and extend the deadline for Plaintiff to file an amended complaint in compliance with the
21 Court's order at ECF No. 7. Plaintiff's Motion for Assistance is denied in all other respects.

22 **IT IS THEREFORE ORDERED** that Plaintiff's Motion for Assistance (at ECF No. 9) is
23 GRANTED IN PART and DENIED IN PART consistent with this Order.

24 **IT IS FURTHER ORDERED** that the Report and Recommendation at ECF No. 8 is
25 VACATED.

26 **IT IS FURTHER ORDERED** that Plaintiff shall have until **June 8, 2023** to file an
27 amended complaint. Failure to file an amended complaint will result in a recommendation that
28 this case be dismissed.

DATED: May 8, 2023.


BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE